

chance to become permanent residents if they work intensively in agriculture for at least three years. It was included in a bill that passed the Senate in May. The House has passed several bills focused on border security, and has avoided negotiations with the Senate on a broader immigration overhaul. [Three of the House bills were passed Thursday.]

Mr. Ivicevich, a 69-year-old family farmer, is not given to displays of emotion. But he paused for a moment, overwhelmed, as he stood among trees sagging with pears that oozed when he squeezed them. His nighttime sleep, in his cottage among his 122 acres of orchards, is disrupted by the thud of dropping fruit and the cracking of branches.

For decades, Mr. Ivicevich said, migrant pickers would knock on his door asking for work climbing his picking ladders. Then about five years ago they stopped knocking, and he turned to a labor contractor to muster harvest crews. This year, elated, he called the contractor in early August. Pears must be picked green and quickly packed and chilled, or they go soft in shipping.

"Then I called and I called and I called," Mr. Ivicevich said.

The picking crew, which he needed on Aug. 12, arrived two weeks late and 15 workers short. He lost about 1.8 million pounds of pears.

His neighbor, Mr. Winant, standing in his drooping orchard with his hands sunk in his jeans pockets, said he would rather bulldoze the pear trees than start preparing them for a new season.

"It's like a death, like a son died," said Mr. Winant, 45, who cares for the small orchard himself during the winter. "You work all year and then see your work go to ground. I want to pull them out because of the agony. It's just too hard to take."

Mr. CRAIG. Mr. President, clearly what is happening—and the Senator has said it so well—is this a failure of American agriculture or is this a failure of Congress? It is clearly a failure of Congress and the Government.

We have known our borders are porous for a long time, and we are closing them now, and we should close them. There is nothing wrong with doing that. In fact, for national security and to build an orderly process in immigration, it is critical that we do close them or control them. But we also knew that immediately attached to it had to be the creation of a legal guest worker program. That is where Congress is failing. We believe and in the letter we submitted the losses by the end of the harvest season could go anywhere from \$1 billion—and they are well beyond that now—to \$5 billion or \$6 billion at farm gate, meaning as it leaves the farm, which means to the consumer in the supermarkets of America, it will be a much higher price to pay.

I thank the Senator for asking the question.

Mrs. FEINSTEIN. Mr. President, I thank the Senator for his response.

The fact is we have a pilot program that is part of the immigration bill that would provide over a 5-year period 1.5 million undocumented workers the opportunity to become documented, and provided they do agricultural work for a period of time, over time, to earn a green card. In discussing this with some Members they said they would

agree if it were a temporary program. Well, it is a temporary program, because it sunsets in 5 years. I believe, and the Senator from Idaho will correct me if I am wrong, we would be prepared to change that sunset from 5 years to 2 years, or a time that would bring about concurrence from the Members.

But the point is there is a crisis out there. The point is we can solve that crisis now with this legislation. And the point is it is not new legislation. It has been authored, debated, discussed, heard now over a 6-year period. It has been refined. Both Senator CRAIG and I are convinced it will work. It was part of the immigration bill.

So what we are asking this body to do is essentially suspend the rule and allow this program to go into law at this time so the remainder of the harvest season and, more importantly, the planting season for winter vegetables and crops can be handled. If we do not do this, we will go well into next year without the agricultural labor present to sustain an agricultural industry in America in an adequate way, and the costs will be enormous.

I think somebody around here should begin to think of the consumer. I don't want to say to California families they are going to go in and buy heads of lettuce at \$4 a head or more or broccoli at \$5 a head or anything else because of a dramatic shortage, because farmers won't plant, because farmers can't pick, because farmers can't harvest, they can't sort, they can't pack, they can't can. That labor is needed, and year after year it has been documented that Americans will not do this kind of difficult, hot, stooped labor.

So this is an opportunity. It is an opportunity for us to respond to an industry of which we are all proud, and an industry which is in deep trouble at the present time.

Let me go on with a few other examples. I mentioned that California and Arizona farmers say they need 77,000 workers during the December to May to harvest, and they estimate they may be 35,000 workers short. The estimates from my State are that illegal immigrants make up at least one-fourth of the workforce and as high as 90 percent of the farm labor payroll. It is also estimated that for every agricultural job lost, we lose three to four other related jobs. I am told that in the Senator's State, farm workers are down 18 percent, and the potato growers of Idaho want AgJOBS passed to keep the industry growing.

In the State of Washington, in Cowitz County, one-third of one farmer's blueberry crop rotted in the field because there were no pickers. Apple growers in the central part of the State were scrambling to find someone—anyone—to do the work of thinning the apple crop. Also in Washington, production at Bell Buoy Crab in Chinook, Pacific County is down 50 percent since April.

In Florida, Citrus Mutual notes: "There is very little doubt we will

leave a significant amount of fruit on the tree." Orange production in the State has been predicted to be the lowest since 1992 if the worst projections are realized. Six million boxes of oranges may well go unharvested in Florida this year because of a shortage of fruit pickers.

In Wyoming, they face the imminent closure of the \$8 million Wind River Mushroom farm.

And in Oregon, farm workers should be harvesting 25 tons of fruit per day from the Polk County cherry orchards.

This is some indication. We have a bill, and that bill would provide the opportunity for an undocumented worker who has worked in agriculture for a substantial period of time—there are two different formulas in the bill—to go in to register, to pay a fine, to show their tax returns, to agree to pay taxes in the future, to get a temporary work card called a blue card, which would be biometric so that that worker is identified; it would eliminate fraud, and it would enable that worker, if they continue to work in agriculture for a period of years, to then gain a green card. It is a sound program. It will give farmers certainty. They will know there is an agricultural workforce, and it will involve people already in this country who are skilled, who are professional at farm work.

I don't know what it takes to show that there is an emergency. I think next year we would be ready, willing, and able to do this, but we will have lost another agricultural season, we will have lost a spring season, a summer season. I hope that someone will listen, that the leadership of this body will allow us, and I will call up—well, I can't do it now, but at an appropriate time I will call up the amendment that is at the desk.

I thank the Chair.

Mr. DEMINT. Mr. President, I ask to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. DEMINT. I thank the Chair.

(The remarks of Mr. DEMINT related to the introduction of S. 3995 are printed in today's RECORD under "Statements On Introduced Bills and Joint Resolutions.")

PROTECTING THE PUBLIC HEALTH

Mr. ENZI. Mr. President, I am rising in support of the motion of my colleague from North Carolina to pass the bioterrorism and BARDA legislation. It is vital we pass this bill before we adjourn because our Nation's bio-preparedness should be strengthened now and not put off until some distant time in the future. I urge all Members to support this motion and the bipartisan bill.

As chairman of the Committee on Health, Education, Labor and Pensions, I know this issue has been a priority of both Democrats and Republicans on the committee. Senator BURR

is the chairman of the committee's Subcommittee on Bioterrorism and Public Health Preparedness. It has been clear to me that he has directed a very open process that sought to get input from all stakeholders. In the past 2 years he has held at least eight hearings and roundtables on this subject, with witnesses representing a wide range of views and opinions. I also know that he held a lot of meetings with stakeholders, people who had an interest in this bill and ideas on this bill. He also hired some extremely professional staff with a lot of experience who could provide input and work to find those third ways of doing things when things were difficult. I have been pleased with the bipartisan effort and bicameral effort that he has made on this bill: to keep the House folks educated on what we were doing, to try to keep the Senate educated on what we were doing.

The substance of this bill, accordingly, represents a consensus of what public health officials, experts, and public policy groups from around the Nation believe needs to be done immediately to protect the public health of our Nation's families and workers. While we have made remarkable strides in our efforts to identify and address our Nation's weaknesses to biological threats, the fact remains that our defense on these fronts is far from perfect. Despite our best efforts in Congress, and the administration's efforts, there are holes we must fill if we are going to adequately ensure our safety. Senator BURR has worked tirelessly in a bipartisan fashion in the HELP Committee to examine these conditions and construct a solution to appropriately address the current shortcomings of our biodefense. The product of that work is now the subject of this motion, and it deserves our support.

Before we go home we all want to be able to tell our families and workers that we are taking all steps necessary to protect us from a natural, an accidental, or a deliberate public health threat. Supporting Mr. BURR's motion this morning is an essential step toward enacting these protections.

The bill has two distinct parts. The first part is the creation of a new authority built upon the highly successful Department of Defense's defense advanced research projects. This authority would encourage the development of new bioterrorism countermeasures. It is a look into the future; a way to figure out, before it happens, what needs to be developed using experts who can then encourage people to develop those products.

The second part is the reauthorization of the Bioterrorism Act. Both parts are necessary to ensure our Nation's biodefense security. A few years ago we had hoped that, through the creation of the bioshield fund, the pharmaceutical industry would create the drugs necessary to protect Americans. We cannot close our eyes and pray they have done what we hoped.

They have not. The pharmaceutical industry is not commercializing enough drugs to fight infectious diseases, whether they are spread naturally or through the effort of man.

The rise in the incidence of antibiotic-resistant strains of diseases and the possible specter of bird flu is very disturbing and demands our immediate attention. It is clear that without the passage of this legislation little will change.

The bill before us addresses this deficiency in a very similar strategy and process that we have seen to be effective with the Army through DARPA. By applying the successes of the DARPA programs to bioterrorism, we hope we can spur the industry to address this urgent need.

It is not clear if this step is enough, but it is clear if we do nothing, nothing will change.

The second portion of this bill also is vital to our biodefense preparedness. This part would reauthorize the Bioterrorism Act. To be clear, the Bioterrorism Act, which we passed after the anthrax attacks, was a giant step forward. The law has done a tremendous amount to help State and local governments prepare. However, at the same time, the specter of a pandemic bird flu was not on the horizon. In addition, we have learned a lot from the biohazard experience after the effects of Hurricane Katrina in the gulf coast.

More needs to be done to assure that State and local public health agencies know exactly what needs to be done and how they should be prepared.

The bill strengthens what we have already started to do and gives us the flexibility to prevent biological events from happening in the future. We cannot put off for another day the vital biodefense preparedness provisions contained in this bill. Our families and workers need this help today.

I urge my colleagues to support the motion. I support my colleague from the State of North Carolina as he tries to address this legislation immediately. I thank him for all of his hard work to get us here today.

I have not seen anybody dig into an issue to the level that he has, to get the expertise that he has in a very difficult area. We were pleased when he came over from the House to be part of the Senate and brought the expertise on this kind of bill with him. He has done a tremendous job, and I appreciate the way he has reached out to get something done.

It is my understanding that there might be an objection to going ahead and doing this today. Normally, at this point we would read a unanimous consent request to get on the bill, but it is my understanding that no one is going to come down from the other side of the aisle to object, and I can tell you I am not going to object to that on anybody's behalf.

Civility in the Senate says if the other side doesn't show up to object, somebody is supposed to object on

their behalf. I am not going to do that. Instead, I am going to put off the request until later, until somebody can actually be here to object because I have difficulty imagining that people would object to this kind of national security at this point in the history of the United States.

So with that announcement, I will allocate the remainder of the time to the chairman, who has been working diligently on this bill, and let him give a few more informational views and comments and allocate the rest of the time.

I thank Senator BURR for his tremendous efforts, the tremendous work that has gone on up to this point. We do need to finish it now.

I yield the floor.

THE PRESIDING OFFICER. The Senator is recognized. There is 12 minutes remaining.

Mr. BURR. Mr. President, I thank the chairman of the committee, and I also thank the ranking member, Senator KENNEDY, who has been extremely helpful throughout this whole process. If it were left up to the three of us, this bill would have become law and would have been signed by the President months ago, because in fact 50 percent of this bill was passed unanimously in the House of Representatives. But as you begin to see now the interest of my colleagues who think this is a vehicle leaving the Senate, some of the amendments that have popped up are not even germane to the issue of what we are here to talk about.

More importantly, I think we need to focus on why we are here—because of the threat of terrorism, the power of Mother Nature, what we have learned from the destruction of Katrina, what we continue to hear from the voices of individuals whose intent is every day to kill Americans.

This morning, the World Health Organization confirmed that the H5N1 bird flu strain has mutated. As you know, we don't have a vaccine today, but we are desperately trying to get there.

This Congress has made some exceptions as it relates to our development of a vaccine for pandemic flu because of the urgency. Yet, they do not see the same urgency as it relates to e. coli, or smallpox, or anthrax, or the ability to genetically modify any of them to overcome anything that we might have in our arsenal to defeat them today. Yet this morning the World Health Organization announced that in areas of China they have established that bird flu has mutated. That mutation means we do not have a vaccine; it means that the antivirals Tamiflu and Relenza that we have don't protect against this strain. It means we are completely unprotected.

In addition to that, reported today by the head of al-Qaida in Iraq, he put out an audio message that said this: "We are in urgent need for you as American bases are the perfect place for nonconventional experiments of biologic and dirty warfare."

But some argue that is not a real threat, that al-Qaida never participated in that. However, this quote is from the head of al-Qaida calling on his brothers, his scientists, to bring their research and development and see how well it works. If it can be used there, it can be used here.

In this bill, our attempt was to make sure that we have in place a robust research and development process that is focused on threats that might be intentional, threats that might be accidental, or threats that are natural. We certainly saw the power of the natural threats 1 year ago with Hurricane Katrina. As we sit here almost on the fifth anniversary of the anthrax attacks on the Congress, I think it is worth reminding our colleagues that this threat hasn't gone away. This threat continues yet today, and 5 years later we do not have the vaccines and drugs to defeat these threats. And if in fact terrorists have spent any time to genetically modify it, we have to question whether we have an antiviral capability to treat individuals who are infected and reverse that course and make sure there is no loss of life.

We are headed into a new season of pandemic flu. As that season starts and we detect those infected birds, how long will it be before one bird finds the shore of the United States, be it through Canada or Alaska?

We need to continue. We need to pass this legislation. We need to catch up with what the House did this week.

Members will come to the floor and say, "We didn't debate it enough; we didn't have enough hearings; my voice wasn't heard." Let me assure you I have reached out to every Member of this body. I have continuously solicited their input, and most of that is incorporated into this bill. I will assure you there has been some input that I could not accept in the bill because it wouldn't maintain what we tried to accomplish; that is, to assure the American people we are doing everything within our power to make sure they are safe.

The legislation we have developed focuses on strategies to address public health and medical needs of at-risk individuals. Every person in this body learned after Hurricane Katrina that we have to better prepare to meet the needs of at-risk individuals, children and older Americans, in a totally different way than our current response plans. In our bill, we require that to be part of our national preparedness goals. We set up an at-risk individuals advisory committee to continually remind those responsible for responding to disasters of what in fact they need to do for at-risk populations.

In addition, we require of every State emergency response plan to incorporate at-risk individuals into their plans. We have not left them behind. We have made them a centerpiece of our focus in this legislation.

We also strengthen the State and local public health infrastructure in

this bill by reauthorizing over \$1 billion a year in Federal funding for grants from Health and Human Services for public health and medical preparedness.

The last thing we do, which I will focus on, is the single most important thing in this bill. We put somebody in charge. We made one individual responsible for the health care response of the Federal Government. And where we had those responsibilities fragmented before, with the help of the chairman of the Department of Homeland Security Appropriations Committee, we began to move those things. And where there needed to be greater consultation with agencies such as the Centers for Disease Control and Prevention in Atlanta, we built in that concentration.

I am convinced that with one person in charge when there is another disaster in America, we will not have fingerpointing. We will know exactly who to go to and who to hold responsible for execution of the plan, for creation of the plan, but, more importantly for how that plan dovetails with 50 State plans, thousands of communities, regardless of what the threat is, whether it be natural, intentional, or accidental.

We truly have lived up to what the chairman of the committee asked us to do—that was create the ability for an all-hazards response. Don't put us in a situation where we create something for a known threat only to have to go back and recreate the wheel when all of a sudden a threat appears that we didn't anticipate. This sets up a framework that allows us to do that.

It is my hope that later today the chairman will offer a unanimous consent request. I believe it will be objected to, but we will continue to try to improve our security level and put in place these changes so that the American people have that comfort of knowing we are doing our job.

I yield the floor.

The PRESIDING OFFICER. The Senator is advised that under the unanimous consent order currently only a member of the majority who is allocated time without a unanimous consent request is Senator CRAIG of Idaho. The Senator could be recognized by virtue of another unanimous consent request.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I commend the chairman of the HELP Committee, Chairman ENZI, and Senator BURR, who is the energy and author of this bill.

I don't think there is a bill that comes to this floor that isn't important. Obviously, it wouldn't make it to this point in legislation. So calling something "important" becomes sort of a common phrase around here. But when you are talking about the issue of

whether America is prepared for either a pandemic flu, or a terrorist attack using a biological agent which could threaten thousands and thousands—potentially tens of thousands—of Americans, you are talking about something that is really important. Senator BURR has focused on this issue.

We have in place laws that Senator ENZI and I helped structure a few years ago on Bioshield, to try to get this process started of getting ready for that kind of a biological attack. But the process didn't work the way it was supposed to work. It wasn't getting the industry involved, which has been devastated in our country—literally wiped out for all intents and purposes—by lawsuits. It was not willing to get started up again because they didn't feel there was, first, an adequate source of resources in the area of dealing with a biological attack and, secondly, they feared the huge potential liability that might fall on them for the production of what would be not a major item within their market.

Senator BURR has spent a year addressing these issues: How do we get more manufacturers and more entrepreneurs and more medical specialists into the business of developing and being positioned to develop vaccines which will deal with potential pandemic flu or a terrorist attack.

In addition, he recognized that is not enough, that you have to get the communities—especially State and local communities—thinking about how they will handle a situation where they may have literally tens of thousands of people they have to care for all at once, that type of a surge, or that they have to isolate from the community. The Federal Government clearly wasn't orchestrated correctly. It was diffused, as Senator BURR pointed out, as to who was responsible and how these plans were going to be developed.

This piece of legislation has evolved here through a superior exercise in legislative activity by Senator BURR and Senator ENZI, chairman of the full committee, in a bipartisan effort, a bicameral effort to address these very significant problems which we have found within our health care delivery system when it comes to dealing with a potential threat of a pandemic event or biological event.

This legislation should be passed. There is no reason it shouldn't pass. It passed in the House overwhelmingly. It came out of our committee unanimously. There is no reason it should not move across this floor. The other side of the aisle may have a couple of reservations about it. There is plenty of time to go back and address those if those reservations have any legs. But the point is the basic legislation here is excellent, it is agreed to, it is bipartisan but, most importantly and most significantly, it is needed now.

Obviously, we hope we don't get hit with a pandemic flu, but we have to start getting ready now if that happens. We can never predict when a terrorist attack is going to occur. Should

it occur with biological weapons, we need to get ready now for that. This bill does that.

I congratulate the Senator from North Carolina, and I congratulate the chairman of the committee, a superb chairman, who did a great job. But the smartest thing he did was to turn it over to the Senator from North Carolina to straighten it out. This is a good bill and should be passed. I hope the Senate will pass it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, first, I thank Senator BURR. Senator BURR and I served on the Commerce and Health committees in the House together. He also served on Intelligence in the House, and we have his expertise, his experience, and his tremendous insight into what needs to be done, and the risks.

I find it ironic that since we talk about all the issues that face our country in terms of risk, this is potentially one of the most deadly risks our country faces—not just from a natural occurrence such as bird flu but from the intentional use of manipulating biological, of manipulating viruses and bacteria. We know the intent of the people we are now fighting. It is to use fully any means at any time in any way to cause great disruption not only to the lives of Americans but on the economy of America.

The fact that someone would hold up this bill to give us the capability to direct resources to become prepared says one of two things: Either they don't believe there is a real threat either from Mother Nature or the leaders of the "Islamofascist" terrorists who want to attack us today or that they think we are prepared. And we are not prepared.

We heard Senator GREGG talk about the vaccine industry. We need a program to redevelop our capabilities. I am a practicing physician. What we do know is vaccine costs are higher today because we have no industry. We have a limited supply of vaccine manufacturers. We need research into vaccines at every area of every virus and every bacteria that could possibly be used against us, and then we need a way to get that out and a way to utilize it. We need research into new antiviral drugs for many of the viruses that could be posed as a biological weapon against this country.

I find it ironic, kind of like last night, we are trying to do something for victims of HIV, and those who want to object will not come to the floor and object; they want to hide in secrecy. They do not want to say what is really wrong. What they want to do is stop the process, hold up the process, and not accept the responsibility. There is no one in this Senate who holds up

more things than I do, but everybody knows that I am the person doing it and they know why I do it.

This is within the responsibility of the Federal Government. It is within the priority of making a decision on where we spend money and what should be spent first. Protecting this country should be one of the No. 1 things we do. Protecting the lives of American citizens should be one of the No. 1 things we do.

To not come here and defend why we think this bill is not appropriate, to not come here and stand up and take credit for stopping prevention of accidents and terrorism in this country says a whole lot about the lack of transparency in this Senate. They should come to the Senate and say what is wrong and why they object. We should have a debate. If they want to object after that, let them do it. But to not come to the floor to make a formal objection as a courtesy to Senator ENZI, who does respect the rights of other Members of this Senate, it means those Members who will not come hide in the shadows, and the American people do not get to know what others might think is wrong with proceeding. That does an injustice to the country and to this Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I don't see additional Members in the Senate, so I will take the opportunity to ask unanimous consent to address the Senate for 5 minutes. If I do see additional Members seeking recognition, I will certainly accommodate them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I was reminded, as Dr. COBURN spoke, that we do have a blueprint that guides us as it relates to pandemic flu. It is "The Great Influenza." Most of us in the Senate were not here in 1918. I daresay we have few Members who were here at that time. This book is the greatest recap of what happened at that time and the significant impact on the lives of the American people and how many individuals died. Unlike what we might expect in a flu season, those affected were not the old and at risk. They were the young and healthy. They were the ones who were attacked with this case of pneumonia which was a strain which could not be overcome with any medicine they had available.

One walks away from this historical lesson realizing, if we think it could happen—which nobody questions—then we should do everything within our means to make sure we are not left in the same position we were in 1918 with no stable of products to defeat this virus.

What do we do in this bill? We develop a partnership between the Federal Government and private companies, between the Federal Government and academic institutions, between the Federal Government and any re-

searcher who might have research that leads us to believe they might hold the key to a cure. We enter into that partnership with the belief that as long as the research and development shows promise in the right direction, we will continue to be a good partner, but if at any point, in real time, we see it is not headed where we want, we stop our funding. We are fiscally responsible.

We make sure one person is in charge of the health response in the United States versus a multitude of individuals at multiple agencies. For the first time, this country would have an approach to our health response and to our development of antivirals and vaccines to defeat these agents that is not limited to one area but covers all hazards.

We build on the State preparedness plans. We do not trump the State plan. We do not create two separate plans. We integrate into that State plan to make sure we are there to support the replenishment of supplies, with the logistic needs. We have to make sure, in fact, that in the first 72 hours after a disaster, individuals feel the full effects of local, State, and Federal resources.

We rebuild the public health infrastructure in America. I challenge anyone to look at the community they live in and compare the public health infrastructure they grew up with to the one they have today. It is impossible to believe we can have a nationwide plan of response if, in fact, our public health infrastructure varies as greatly as it does today from the inoculation point for low-income children to the only place, in some cases, where health care can be delivered.

We strengthen our surveillance, which, as we look at the bird flu, is absolutely crucial, our ability to identify at the earliest possible point whether, in fact, an infection and a threat is alive and well.

We allow for the surge capacity of health care professionals. I see my colleague from Louisiana is in the Senate. She would be the first to know that one of the challenges when Katrina dramatically affected this country was that health care professionals around the country who intended to go to Louisiana and supply that very important medical surge capacity had a licensing problem in Louisiana. I forget the exact reason. But the question is, How can we overcome this challenge in the future? We create in this bill a voluntary network that health care professionals can sign in to get their credentials verified ahead of time, where the United States can then deploy these approved health care professionals on a moment's notice without any additional hurdles.

I see my colleagues. Since we do have individuals who could execute their objection, it would probably be an appropriate time to offer the unanimous-consent request.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina controls the floor.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous-consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3678

Mr. BURR. Mr. President, I ask unanimous-consent that the HELP Committee be discharged from further consideration of S. 3678 and the Senate proceed to its immediate consideration. I also ask unanimous-consent that the substitute at the desk be agreed to; the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table.

Mrs. MURRAY. Mr. President, reserving the right to object, I ask unanimous-consent that the majority leader, with the concurrence of the Democratic leader, may at any time turn to the consideration of S. 3678; that it be considered under the following limitations: that the managers' amendment be withdrawn and a managers' amendment that has been agreed to by both managers and both leaders be agreed to for purposes of the original text; that the first-degree amendments deal with similar subject matter as contained in the text of the bill, except where noted; and that relevant second-degree amendments be in order thereto. The amendments are as follows: Durbin, single food agency; Conrad, national emergency telehealth task force; Lieberman, at-risk populations; Lautenberg, mass-transit preparedness; Wyden, FOIA; Leahy, compensation fund; Dorgan, one amendment; Leahy, two amendments; Obama, one amendment; Levin, one amendment; that in addition to any time limits on amendments, there be 6 hours of debate on the bill—

The PRESIDING OFFICER. The Senator's unanimous-consent request is out of order by merely reserving the right to object. The Senator has to object to the pending unanimous-consent request by the Senator from North Carolina.

Mrs. MURRAY. Mr. President, reserving the right to object, I ask unanimous-consent to modify the request of the Senator from North Carolina with another unanimous-consent request.

The PRESIDING OFFICER. As the Chair understands it, the Senator from Washington would still have to object to the pending unanimous-consent request in order to make it a substitute.

Mrs. MURRAY. I believe the other Senator will have to object to my request.

The PRESIDING OFFICER. If the Senator would pause, is the Senator's second request to modify the pending

unanimous-consent request of the Senator from North Carolina?

Mrs. MURRAY. That is correct.

The PRESIDING OFFICER. That would be in order.

Mrs. MURRAY. I ask consent to modify the unanimous-consent request of the Senator from North Carolina to the extent I just outlined, and also I add that there be 6 hours for debate on the bill to be equally divided between the two leaders or their designees; and that upon the disposition of these amendments and the use or yielding back of time, the Senate bill be read a third time and the Senate proceed to vote on passage of the bill.

I ask unanimous-consent that the Senator from North Carolina modify his request to include this consent.

The PRESIDING OFFICER. Is there objection to the motion?

Mr. BURR. Mr. President, reserving the right to object, as Members may have missed the over 30 minutes many of us have been in the Senate Chamber, a significant amount of time and effort has gone into this bill. A very general solicitation and at times a very specific solicitation for input has been sought from my colleagues, without a response.

Yesterday, a list of possible amendments was supplied. Most of those amendments were not even applicable to what is in the bill. We are not in a position right now to know what the specific modifications are that are being suggested, since we have not seen the actual amendments. Therefore, I object to the unanimous-consent request.

The PRESIDING OFFICER. The objection is heard.

Mrs. MURRAY. Knowing they would object to our asking for a number of our Senators to be allowed to have amendments, I object to the Senator's request as well.

The PRESIDING OFFICER. The objection is heard to both the modification and the original unanimous-consent request.

The Senator from Louisiana is recognized for 10 minutes.

OFFSHORE ENERGY

Ms. LANDRIEU. Mr. President, we are trying to wrap up many important issues before we leave. One issue that has remained elusive at this point is the solution for our offshore energy bill. The House has passed a version; the Senate has passed a version. I am here to talk about the benefits of the Senate approach to this subject since there seems to be some real confusion on the part of some of the House members about the Senate approach. I have had many private conversations and many meetings, but I thought I might try to clarify a few things as we seek to understand each other a little better.

I have great respect for many Members on the House side. Chairman POMBO and others have worked very

hard. I know they are very sincere about trying to find new avenues for domestic production. It is most certainly a goal I share and that many Senators in the Senate share, Republicans and Democrats.

We have had our arguments, knock-down, drag-out arguments about ANWR. I am clearly on the side that supports production in ANWR. I happen to be in a minority of Democrats on that, and we could never pass that in the Senate, or have not to date. We have been debating it now for 30 years. But there is consensus—there is consensus—in the Senate about opening a significant area in the Gulf of Mexico to help bring much-needed oil and natural gas to this country.

I wish to put into the RECORD from the Consumer Alliance for Energy Security what they say about natural gas:

Natural gas is used to make fertilizer for ethanol.

For those who are arguing for more ethanol, ethanol needs sugarcane, ethanol needs corn. We need fertilizer to grow sugarcane and corn.

Natural gas is used as a substitute for diesel fuel in our buses and fleet vehicles.

Electric utilities use natural gas to generate clean power.

Natural gas is a raw material that goes into lightweight cars for fuel efficiency, wind power blades, solar panels, building insulation and other energy efficient materials.

Natural gas is used to make hydrogen fuel necessary for fuel cells.

They say:

In the face of declining natural gas production, consumers are hungry for a solution to our energy crisis.

The Senate has provided a solution. Democrats and Republicans agree—we need more natural gas. So we have carved out an area. Shown on this map, is an area that is under leasing moratoria right now and which has been under leasing for the last 15 or 20 years. It has been closed off to production—8 million acres.

But this Senate, in a historic vote, has decided that we need the natural gas. We believe in what the Consumer Alliance and thousands of organizations have stepped up to say. We need natural gas. We are prepared to open this section—8 million acres.

To put this in perspective, ANWR is only 2,000 acres. So when critics of our approach say the Senate bill does not do anything, then, why did we debate for 30 years over nothing? If we debated 30 years only 2,000 acres, why is 8 million acres nothing? I do not think that is true. It is obviously incorrect. Eight million acres is a great many more than 2,000 acres. The reserves here are thought to be substantial.

Shown on this map is the oil discovery that was announced 3 weeks or 4 weeks ago announced: the Jack well, as it is commonly known, discovered by a Chevron partnership. This one well, drilled 28,000 feet—10,000 feet of water and 18,000 feet of land—will double the reserves of oil and gas in the